Refugee Review Tribunal
AUSTRALIA

RRT RESEARCH RESPONSE

Research Response Number: CHN31384
Country: China
Date: 19 February 2007

Keywords: China – Falun Gong – Children – Passports – Exit

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions
1. What is the situation of children whose parents are Falun Gong practitioners?
2. Is the most up-to-date information on exiting China, with a valid passport and visa, that which is contained in RRT research response CHN30738?

RESPONSE

A note on Falun Gong and Chinese government sources

Dr. Benjamin Penny, from the Australian National University, has advised the Tribunal that:

…There are two main sources of information on Falun gong: Falun gong itself and the Chinese government. Currently, as I’m sure you are aware, these two entities are not well disposed towards each other and their information services are resolute in their respective condemnations. In these circumstances, one has to be reasonably careful in taking any claim from either source at face value (Penny, Benjamin 2001, The Past, Present and Future of Falun gong, Paper presented to a seminar at the Refugee Review Tribunal in Sydney, Australia, 4 May, p.1 – Attachment 1).

He continued in another advice to the Tribunal that, in his opinion, “neither the story told about Falun Gong by the Chinese Government, nor that told by the Falun Gong organization, can be regarded as reliable” (Penny, Benjamin 2003, ‘Falun Gong: What was it? and what is it now?’, Talk for the Refugee Review Tribunal National Members’ Conference, 29 August. P.2 – Attachment 2).

1. What is the situation of children whose parents are Falun Gong practitioners?

Most specific reports on the treatment by the government authorities of children whose parents are Falun Gong practitioners come from Falun Gong sources. These reports include abductions, expulsion from school, harassment, ill-treatment and death in custody. Chinese government sources refer to the Falun Gong as an evil cult which maltreats children and present the government as one that protects children against the Falun Gong. Other sources have expressed concern at reports on harassment, threats and negative actions taken by the government towards the children. The information below is sourced from government sources, Falun Gong sources and other sources.

**Government sources**

In 2000 an officer of the Chinese Embassy in Australia interviewed on The Nine Network’s *Sunday* programme stated:

> You see some Falun Gong people became murderers themselves because they, they killed their own children, their parents, because they believe that they were demons and they themselves were Buddhas and in their minds they heard Master Li tell them that they must get rid of the demons (‘Cover stories – An exercise in fear’ 2000, The Nine Network’s *Sunday* Program, 26 November [http://sunday.ninemsn.com.au/sunday/cover_stories/transcript_727.asp](http://sunday.ninemsn.com.au/sunday/cover_stories/transcript_727.asp) – Accessed 30 November 2005 – Attachment 4).


The *People’s Daily* article, and other government sources, have referred to self-immolations on 23 January 2001 in Tiananmen Square when a 12-year old, Liu Siying, and a 19-year old, Chen Guo (both Falun Gong practitioners) set fire to themselves. However, other sources claim that the self-immolations were a fabrication and were not carried out by Falun Gong practitioners (Immigration and Refugee Board of Canada 2004, CHN43081.E – *China: Whether the self-immolations of 23 January 2001 in Tiananmen Square were a fabrication; if so, who is making the allegations and based on what evidence (2001 to November 2004)*, 7 December – Attachment 6).

Information sourced to the Renmin Ribao website states that Falun Gong instigates children “to serve as sacrificial objects” in the following terms:

> A basic trait of all cults is that they preach evil fallacies in exercising spiritual control over their obsessive followers. Through frauds, hints, rumour-mongering, threats and other despicable means, Li Hongzhi wantonly spread fallacies such as “the doomsday theory”, “the theory of doing away with karma”, “fatalism”, “opening the heavenly eye”, “forsaking one’s inflexible outlook on life”, “attaining nirvana” and “going to heaven”. Many practitioners were taken in and went to the extreme as if possessed by devil. Some even took their own precious life. The “Falun Gong” cult did not even leave women and children alone. It instigated women and children to serve as its sacrificial objects. The obsessive “Falun Gong” followers who set themselves ablaze at Tiananmen Square on Chinese New Year’s eve perpetrated a self-immolation incident that shocked the whole world because they had long been poisoned by the evil fallacies of Li Hongzhi. They had lost their sense of reasoning as normal
human beings when they turned their backs on their loved ones, their family, their school and the normal society. It was another evidence of the crimes of the “Falun Gong” cult in harming people and taking away their lives (‘Party paper’s commentator blasts Falun Gong leader Li Hongzhi’ 2001, BBC Monitoring Service: Asia-Pacific, source: Renmin Ribao website, 2 March – Attachment 7).

On the government’s attitude towards the children information sourced to the Chinese news agency Xinhua states:

China has cracked down on “Falun Gong” according to the law, exposed Li Hongzhi’s deception, cut off the murdering paws of the cults, made most “Falun Gong” practitioners see through the true nature of the cult and enabled them to return to normal life, rescued those fanatic practitioners who fell into the trap set up by the cult, and helped avoid the occurrence of human tragedy. At the same time, the government has protected many innocent citizens, particularly those vulnerable women, elderly, and children, and helped them escape from the claws of “Falun Gong.” This is a major protection of its own people’s basic human rights by a responsible government and a just act that is popular with the people and is in accord with the popular will (‘China’s party daily slams Falun Gong as inciting people to kill, commit suicide’ 2001, BBC Monitoring Asia Pacific – Political, source: Xinhua, 17 April – Attachment 8).

**Falun Gong sources**

Undated information on the Global Mission to Rescue Persecuted Falun Gong Practitioners (GMRPFGP) website states that:

…many children have been left with no parents or just one parent. Countless children have been directly targeted and tortured to death, thrown into prisons and labor camps, expelled from school, and left unattended. Many cases occur because the children practice Falun Gong, while most are victimized because their parents practice Falun Gong…(‘Please Help the Children Suffering from the Persecution of Falun Gong in China’ (undated), Global Mission to Rescue Persecuted Falun Gong Practitioners (GMRPFGP) website [http://www.globalrescue.net/gmr/public/rescue_kids_to-print_update.pdf](http://www.globalrescue.net/gmr/public/rescue_kids_to-print_update.pdf) – Accessed 14 February 2007 – Attachment 9).

Some examples on the GMRPFGP website of the treatment of children of Falun Gong practitioners are:

- A five-year old girl, fatherless and separated from her mother, was cared for by her grandmother who eventually fell ill and died.
- An eight-month baby and her mother were tortured to death in 2000.
- A three-month old girl “had” to leave her mother when her grandmother took her to her hometown in 2001. Her mother subsequently died and she has never seen her father said to be in exile. She lives with her grandparents;
- A four-year old girl was said to have been taken by the police while her mother was under arrest. Her father was said to have been “forced into homelessness” (‘Please Help the Children Suffering from the Persecution of Falun Gong in China’ (undated), Global Mission to Rescue Persecuted Falun Gong Practitioners (GMRPFGP) website [http://www.globalrescue.net/gmr/public/rescue_kids_to-print_update.pdf](http://www.globalrescue.net/gmr/public/rescue_kids_to-print_update.pdf) – Accessed 14 February 2007 – Attachment 9).

Falun Gong sources have reported that children are left unattended. In one case a representative of the organisation Global Mission to Rescue Persecuted Falun Gong Practitioners (GMRPFGP) gave an example of a four-month old baby being left in a cardboard box when his parents were arrested. The baby was said to have eventually starved to death (Honghua, Yang 2005, ‘Falun Gong appeals to Hu to stop the persecution before Hu’s visit’, *Epoch Times*, 8 September [http://www.theepochtimes.com/news/5-9-8/32105.html](http://www.theepochtimes.com/news/5-9-8/32105.html) – Accessed 12 September 2005 – Attachment 12).


The US State Department cites the Falun Gong stating:

> …The organization [Falun Gong] reported that its members have been subject to excessive force, abuse, rape, detention, and torture, and that some of its members, including children, have died in custody. NGOs not affiliated with the Falun Gong documented nearly 500 cases of Falun Gong members detained, prosecuted, or sentenced to reeducation during the period covered by this report…(US Department of State 2006, ‘Abuses of Religious Freedom’ in *International Religious Freedom Report 2006 – China*, 15 September – Attachment 14).

**Other sources**

In an interview with *Christianity Today* Nicholas Kristof, a columnist with the *New York Times*, stated:

> Christians shouldn’t only speak up on behalf of Christians who are tortured. Falun Gong is bearing the biggest brunt of religious repression in China. It behooves the American evangelical community to speak up when Falun Gong believers are tortured or their children taken away (Hansen, Collin 2006, ‘Nicholas Kristof on Evangelicals, China, and Human Rights (excerpt)’, *Christianity Today*, 30 August [http://www.christianitytoday.com/ct/2006/009/17.23.html](http://www.christianitytoday.com/ct/2006/009/17.23.html) – Accessed 31 August 2006 – Attachment 15).

In November 2005 the Committee on the Rights of the Child reported:

> …It [the Committee on the Rights of the Child] is also concerned at reports that children of families practising their religion, notably the Falun Gong, are subject to harassment, threats
and other negative actions, including re-education through labour… (Committee on the Rights of the Child 2005, ‘Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Concluding observations: China (including Hong Kong and Macau Special Administrative Regions)’, *Convention on the Rights of the Child*, CRC/C/CHN/CO/2, 24 November, para.44/p.8


The US Department of State in its China profile of asylum claims wrote:

[35] Since 1999, several hundred Dalun (sic) Gong adherents reportedly have died in detention due to torture, abuse, and neglect. There are numerous credible reports of police involvement in beatings, detention under extremely harsh conditions, torture, and other abuses of Falun Gong practitioners detained in prison or re-education-through-labor camps, particularly those who refused to recant their beliefs. **Police often used excessive force when detaining peaceful protesters, including children and the elderly.** Hundreds of Falun Gong adherents were reportedly confined in high-security psychiatric hospitals for the criminally insane (US Department of State 2005, *China Profile of Asylum Claims and Country Conditions*, October, pp.11-12 – Attachment 17).

In August 2004, the Worldwide Organization for Women (WOW)\(^1\) at discussions in the UN’s Sub-Commission on the Promotion and Protection of Human Rights stated:

…In China, the families of those who practised Falun Gong had been viciously persecuted since the spiritual movement had been banned in 1999. The children of Falun Gong practitioners were sometimes imprisoned with their parents or left at home without anyone to care for them. Sometimes they were tortured and killed… (Commission on Human Rights: Sub-Commission on the Promotion and Protection of Human Rights 2004, ‘Summary record of the 16th Meeting’, United Nations Economic and Social Council, E/CN.4/Sub.2/2004/SR.16, 12 August, p.11


2. **Is the most up-to-date information on exiting China, with a valid passport and visa, that which is contained in RRT research response CHN30738?**

The information provided below is in additional to that in RRT Country Research 2006, *Research Response CHN30738*, 17 October.

It is not clear from the sources consulted whether an ordinary Falun Gong practitioner can obtain a passport and leave China without difficulty.

The Canadian Immigration and Refugee Board of Canada has reported:

Both Gail Rachlin [spokesperson for the New York-based group of Falun Gong practitioners known as the Falun Dafa Information Center] and Stacy Mosher [the communications director at Human Rights in China (HRIC)] stated that their respective organizations were aware of some former Falun Gong detainees who have been able to leave the country (Mosher

---

In a 2005 advice on passports for Falun Gong practitioners DFAT stated:

A.1. China’s Entry and Exit Law states that the following groups of people shall not be given approval to leave China: (1) defendants in criminal cases or criminal suspects confirmed by a public security organ, a people’s procurate or a people’s court; (2) persons who, as notified by a people’s court, shall be denied exit owing to involvement in unresolved civil cases; (3) convicted persons serving their sentences; (4) persons undergoing rehabilitation through labour; and (5) persons whose exit from the country will, in the opinion of the competent department of the State Council, be harmful to state security or cause a major loss to national interests. The Ministry of Public Security (MPS), which administers the law, has advised that these five groups of people are not allowed to obtain passports.

The MPS has wide powers to interpret who may be denied a passport. Local public security organs could conceivably deny a known Falun Gong practitioner a passport.

A.2. If a person was detained and tortured by the Chinese authorities for practising Falun Gong it is conceivable that the local public security authorities would deny him or her a passport should he or she apply (DIAC Country Information Service 2005, Country Information Report No. 05/43 – Chinese passports for Falun Gong practitioners, (sourced from DFAT advice of 9 August 2005), 10 August – Attachment 21).

DFAT has also advised that the Chinese authorities check all outgoing passengers against “alert” lists, which operate at railway stations, airports and border crossings. Although DFAT has not been able to obtain comprehensive information on alert lists it has confirmed that Chinese citizens subject to arrest warrants would be on the lists. It would be likely that people under investigation but for whom a formal arrest warrant has not been issued would also be on the lists (DIAC Country Information Service 2006, Country Information Report No. 06/42 – China: Failed asylum seeker return decision (CISQUEST ref 8639), (sourced from DFAT advice of 7 August 2006), 25 August – Attachment 22; DIAC Country Information Service 2006, Country Information Report No. 06/65 – China: Passport and exit arrangements, (sourced from DFAT advice of 8 November 2006), 10 November – Attachment 23).

Of interest is The Passport Law of the People’s Republic of China effective as of 1 January 2007 which states that a passport shall not be issued to an applicant for the following reasons:

(1) He does not have the nationality of the People’s Republic of China;

(2) He is unable to prove his identity;

(3) He cheats during the process of application;
(4) He has been sentenced to any criminal punishment and is serving the sentence at present;

(5) The people’s courts notice that he is not permitted to leave China because he is involved in pending civil case;

(6) He is a defendant or criminal suspect of a criminal case; or


List of Sources Consulted

Internet Sources:
UNICEF http://www.unicef.org/
Xinhua http://www.xinhuanet.com/english/

Databases:
FACTIVA (news database)
BACIS (DIMA Country Information database)
REFINFO (IRBDC (Canada) Country Information database)
ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)
RRT Library Catalogue

List of Attachments


6. Immigration and Refugee Board of Canada 2004, *China: Whether the self-immolations of 23 January 2001 in Tiananmen Square were a fabrication; if so, who is making the allegations and based on what evidence (2001 to November 2004)*, 7 December. (REFINFO)


8. ‘China’s party daily slams Falun Gong as inciting people to kill, commit suicide’ 2001, *BBC Monitoring Asia Pacific – Political*, source: Xinhua, 17 April. (FACTIVA)


